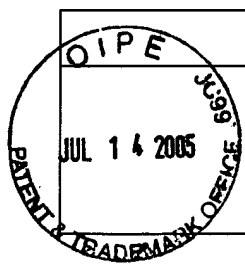


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AC 1648



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COMMUNICATION Address to: Mail Stop Appeal Brief-Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket Confirmation No.	UCAL-161 DIV 7273
	First Named Inventor	S. Finkbeiner
	Application Number	09/922,483
	Filing Date	August 2, 2001
	Group Art Unit	1648
	Examiner Name	U. Winkler
	Title	<i>Antibodies specific for proteins having polyglutamine expansions</i>

Sir:

This Communication is responsive to the Notice of Non-Compliant Appeal Brief, mailed June 27, 2005. The Notice of Non-Compliant Appeal Brief set forth a one-month response period, making this Communication due on or before July 27, 2005. Accordingly, this Communication is timely filed.

The Notice of Non-Compliant Appeal Brief ("Notice") stated that the listing of references as an exhibit in a response is not a proper information disclosure statement. The Notice stated that the references of Kaji et al. and South et al. have not been listed on a 1449 form. The Notice stated that the references are not part of the record and are not considered.

Appellant's April 15, 2005 Appeal Brief is compliant

An Appeal Brief was filed in this application on April 15, 2005. The April 15, 2005 Appeal Brief was subject to the rules as set forth in the Federal Register, Vol. 69, No. 155, pages 49997-50020 (August 12, 2004). According to 37 C.F.R. §41.37(ix), an Appeal Brief must include an Evidence Appendix, containing copies of any evidence of record. In accordance with 37 C.F.R. §41.37(ix), the April 15, 2005 Appeal Brief included an Evidence Appendix, providing, among other evidence, copies of Kaji et al. ((2001) *J. Biochem.* 129:577-583); and South et al. ((1995) *Thromb. Haemost.* 73:144-150). As noted on page 10 of the April 15, 2005 Appeal Brief, copies of Kaji et al. and South et al. were provided as Exhibits 1 and 2, respectively, along with the amendment, filed on October 20, 2003 and responsive to the May 20, 2003 Office Action. Thus, the Kaji et al. and South et al. references were of record in this application before the April 15, 2005 Appeal Brief was filed.


The Kaji et al. and South et al. references were apparently considered by the Examiner. In the Office Action, mailed on April 19, 2004, the Examiner discussed the Kaji et al. and South et al. references. April 19, 2004 Office Action, page 3. The Examiner's discussion of the Kaji et al. and South et al. references indicates that these references were considered.

The Kaji et al. and South et al. references were of record and were considered before the April 15, 2005 Appeal Brief. The April 15, 2005 Appeal Brief merely complied with the rules and provided copies of these references in the Evidence Appendix. Accordingly, the April 15, 2005 Appeal Brief is compliant.

No fees are believed to be due in connection with this Communication. Nevertheless, the Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCAL-161DIV.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: July 14, 2005

By: 
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